

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**TERRI L. LEE**

Claimant

VS.

**THE BOEING COMPANY-WICHITA**

Respondent

AND

**AMERICAN MANUFACTURERS MUTUAL INS.CO.**

Insurance Carrier

AND

**KANSAS WORKERS COMPENSATION**

Docket No. 189,291

**ORDER**

Respondent appeals from a January 6, 1995, Preliminary Hearing Order by Administrative Law Judge Shannon S. Krysl granting claimant payment of outstanding medical expenses as authorized medical and temporary total disability benefits.

**ISSUES**

On appeal respondent contends the Administrative Law Judge exceeded her jurisdiction by granting benefits because the evidence does not establish that claimant suffered an accidental injury which arose out of and in the course of claimant's employment with the respondent. Respondent contends that the claimant's back problems are the result of the natural aging process and the normal activities of day-to-day living. Respondent argues in the alternative that if claimant did sustain a compensable injury, then claimant's subsequent intervening accidents severed respondent's liability.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record and considering the arguments of the parties, the Appeals Board finds claimant's need for medical treatment was the result of a personal injury by accident which arose out of and in the course of claimant's employment with the respondent. The alleged subsequent intervening accidents are found not to have been new accidents within the definition of the Kansas Workers Compensation Act, but instead were the natural and probable consequences of her original work-related injury. This

conclusion by the Appeals Board is based upon the medical evidence including the opinions expressed by both the treating physician and the court-appointed independent medical examiner. The Order for benefits should, therefore, be affirmed.

Respondent also alleges that the Administrative Law Judge exceeded her jurisdiction in entering an Order on January 6, 1995 which retroactively amended a previous Order of June 23, 1994. The Appeals Board finds this argument to be without merit. The earlier Preliminary Order by the Administrative Law Judge terminating temporary total disability benefits was just that, a preliminary order. There is no limitation upon the number of preliminary hearings that can be held in a given case, nor is there any prohibition against an Administrative Law Judge revisiting an issue where the matter was decided as a preliminary and not a final order.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the January 6, 1995, Order of Administrative Law Judge Shannon S. Krysl should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of April, 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Roger A. Riedmiller, Wichita, KS  
Boyd Byers, Wichita, KS  
Vincent L. Bogart, Wichita, KS  
Shannon S. Krysl, Administrative Law Judge  
George Gomez, Director